



MINUTES

NOVEMBER 2021 MEETING ADMINISTRATIVE RULES REVIEW COMMITTEE

MEMBERS PRESENT

Senator Waylon Brown, Vice Chair	Representative Megan Jones, Chair
Senator Pam Jochum [by teleconference]	Representative Jon Jacobsen [by teleconference]
Senator Julian B. Garrett	Representative Amy Nielsen
Senator Jesse Green [by teleconference]	Representative Rick L. Olson
Senator Robert Hogg [by teleconference]	Representative Mike Sexton

EX OFFICIO, NONVOTING MEMBER: Michael Boal, Administrative Rules Coordinator, Office of the Governor

LSA CONTACTS: Organizational staffing provided and minutes prepared by Jack Ewing, Administrative Code Editor, 515.281.6048, and Kate O'Connor, Legal Counsel, 515.281.6329

BULLETINS NEEDED FOR THIS MEETING: 10/6/21, 10/20/21, 11/3/21

Procedural Business

Representative Jones convened the regular, statutory meeting of the Administrative Rules Review Committee (ARRC) at 9 a.m. on Tuesday, November 9, 2021, in Room 103, State Capitol, Des Moines, Iowa. The minutes of the October 4, 2021, meeting were approved. The next meeting was scheduled for December 14, 2021. The January meeting was tentatively scheduled for January 7, 2022. Mr. Ewing discussed procedures for participating via Zoom. Committee members discussed whether participation via Zoom should continue in the future. The meeting was adjourned at 11:35 a.m.

Fiscal Overview

Mr. Adam Broich, Fiscal Legislative Analyst, presented the LSA fiscal report.

HUMAN SERVICES DEPARTMENT

Representing the agency: Nancy Freudenberg, Janee Harvey, Theresa Armstrong

ARC 5956C (AF), Financial Provisions for Mental Health and Disability Services Regions, Rule 25.14(3)
No discussion on ARC 5956C.

Rulemaking type is indicated in parentheses following the ARC number. The acronyms have the following meanings: Notice of Intended Action (NOIA), Amended Notice of Intended Action (ANOIA), Notice of Termination (NOT), Adopted and Filed Emergency (AFE), Filed Emergency After Notice (FEAN), and Adopted and Filed (AF).

ARC 6008C (AFE), Mental Health Disability Services Region Incentive Fund — Application, Approval, Reporting, Rules 25.11, 25.22

Committee members asked if the rulemaking requires a mental health and disability region to have a zero ending balance in the region's combined services fund in order to be eligible for incentive funds. Ms. Armstrong stated that is incorrect and explained that an applicant this year must have a combined services fund balance from two years ago that is 20 percent or less of actual expenditures. She also noted that the requirements are set by law, not by rule.

No action taken on ARC 6008C.

ARC 6009C (NOIA), Mental Health Disability Services Region Incentive Fund — Application, Approval, Reporting, Rules 25.11, 25.22; Also Filed Emergency ARC 6008C.

No discussion on ARC 6009C.

ARC 6022C (AF), Medical Assistance—Eligibility, Payment, Rules 75.5(3)“d,” 75.16(1), 75.25, 80.3(2)“a”

No discussion on ARC 6022C.

ARC 6023C (AF), Child Care Homes; Child Development Homes; Child Care Centers, Chs. 109, 110, 120

Committee members stated they are aware that COVID-19 and the lack of individuals in the child care industry have created challenges; however, they are concerned that the quality of care may be impacted by allowing a greater number of children in a day care setting.

Ms. Harvey responded that there are three key elements that the department is always trying to keep in balance — affordability, accessibility, and quality. She stated that members have the right to be concerned that reducing regulatory burdens, such as the ratio of staff to children, may affect quality. Ms. Harvey stated that she wanted to draw legislators' attention to the recently released child care task force report. She noted that the task force has been in place since the beginning of the year and has looked at many opportunities, including inviting the private sector to partner with the department to increase child care capacity. She noted that the changes to the staff-to-child ratio are due to child care deserts within the state. She explained that the department is committed to quality; however, parents cannot go to work if they do not have child care. She also explained that the alternatives some parents choose when they do not have child care can have dire consequences for the children.

No action taken on ARC 6023C.

ADMINISTRATIVE SERVICES DEPARTMENT

Representing the agency: Nathan Reckman

ARC 5980C (NOIA), Blood, Bone Marrow, Living Organ Donation Incentive Program — Leave, Staffing, Rule 63.20

Committee members thanked the department for reaching out to legislators to ensure that the language used in the rulemaking accomplished the legislative intent.

No action taken on ARC 5980C.

ARC 5981C (NOIA), Out-of-State Travel—Electronic Authorization, Rules 41.4, 41.5, 41.7(8), 64.10(2)“c”

No discussion on ARC 5981C.

ARC 5982C (NOIA), Continuing Health Insurance Coverage—Surviving Spouses and Children of Eligible Employees, Rule 64.15

No discussion on ARC 5982C.

ARC 5993C (AF), Capitol Complex Operations—Pistols and Revolvers, Rule 100.2

No discussion on ARC 5993C.

VOTER REGISTRATION COMMISSION

Representing the agency: Molly Widen

ARC 6005C (NOIA), Voting—Registration Deadline, No-Activity Notices, Notification of Polling Place Change, Rules 8.5, 10.1-10.4, 12.1
No discussion on ARC 6005C.

SECRETARY OF STATE

Representing the agency: Molly Widen

ARC 5958C (NOIA), Election Forms; Voting, Rules 21.2(2), 21.12, 21.14, 21.100, 21.103, 21.303, 21.307, 28.3, 28.7
No discussion on ARC 5958C.

ARC 5996C (NOIA), Model Business Corporation Act; Document Filings; Filing Liens in Multiple Counties, Rules 1.2(1), 30.1(2), 40.1, 40.3, 40.4, 45.4(2), 45.5(2), 45.6, 45.15(2)
No discussion on ARC 5996C.

ACCOUNTANCY EXAMINING BOARD

Representing the agency: Robert Lampe

ARC 5989C (NOIA), Waivers; Five-Year Review of Rules, Rules 2.7, 3.2, 3.14(2), 4.7(4), 4.8, 4.10, 6.2(2), 9.5(2), 10.5(6), 18.2(2)
No discussion on ARC 5989C.

HUMAN RIGHTS DEPARTMENT

Representing the agency: Sonya Streit

ARC 6004C (NOIA), Agency Reorganization, Chs. 1, 2-7, 20-25, 30, 31, 40, 41
No discussion on ARC 6004C.

REAL ESTATE APPRAISER EXAMINING BOARD

Representing the agency: Brad Horn

ARC 6007C (AF), Real Property Appraisers; Background Checks; Reciprocity, Rules 5.7, 6.7, 6.8, 10.2
No discussion on ARC 6007C.

ARC 6017C (NOIA), Review of Rules, Chs. 1, 4-6, 8-12
No discussion on ARC 6017C.

PROFESSIONAL LICENSURE DIVISION

Representing the agency: Steven Garrison

ARC 5939C (AF), Hearing Aid Specialists—Telehealth Appointments, Rule 123.4(1)“g,” 123.5
No discussion on ARC 5939C.

ARC 6011C (NOIA), Chiropractic Physicians—Preceptor Approval Process, Rule 42.5(1)
No discussion on ARC 6011C.

ARC 6027C (NOIA), Athletic Trainers—Continuing Education, Definitions, Rules 352.1, 352.3(2)
Committee members encouraged the division to reach out to athletic trainers to ensure that they have had the opportunity to review the rulemaking.
No action taken on ARC 6027C.

PHARMACY BOARD

Representing the agency: Sue Mears

ARC 6012C (NOIA), Collaborative Pharmacy Practice, Rule 39.13
No discussion on ARC 6012C.

TRANSPORTATION DEPARTMENT

Representing the agency: Brooks Glasnapp, Tim McClung, Clayton Burke, Kathleen Meredith Eysers

ARC 5941C (AF), Ignition Interlock Devices, Chs. 615, 620
No discussion on ARC 5941C.

ARC 5942C (AF), Driver's Licenses — Minors, Chauffeurs, Commercial Drivers, Rules 602.12, 602.26, 604.21, 605.7, 605.25, 607.16
No discussion on ARC 5942C.

ARC 5943C (AF), Registration — Airports, Aircraft, Rules 720.4 (1), 720.5, 720.10, 720.15, 750.1-750.3, 750.30, 750.31
No discussion on ARC 5943C.

ARC 6014C (NOIA), Warning Lights on Vehicles or Equipment Not Owned and Operated by the Department When Used in Road Work Zones, Ch. 135
Committee members thanked the department for its quick response to an earlier email from a member inquiring about the application of this rulemaking to city- and county-owned snowplows.
No action taken on ARC 6014C.

ARC 6020C (AF), Outdoor Advertising Devices; Private Directional Signing, Chs. 117,120
No discussion on ARC 6020C.

LABOR SERVICES DIVISION

Representing the agency: Mitchell Mahan

ARC 5944C (AF), Federal Occupational Safety and Health Standards—COVID-19 Emergency Temporary Standard Adopted by Reference, Rule 10.20
No discussion on ARC 5944C.

ARC 5945C (AF), Boiler and Pressure Vessel Special Inspector Commissions, Rule 90.9
No discussion on ARC 5945C.

ARC 5954C (AF), Safety Rules for Amusement Rides, Amusement Devices, and Concession Booths, Rules 61.2, 61.6(2)“j,” 62.6, 62.7(3)
No discussion on ARC 5954C.

ARC 5959C (NOIA), Contractor Registration Revocation—Fact-Finding Interview, Rule 150.11(3)
No discussion on ARC 5959C.

ARC 5977C (AF), Boilers and Pressure Vessels, Chs. 80-85, 90, 91, 94
No discussion on ARC 5977C.

ARC 5979C (NOIA), Boiler and Pressure Vessel Codes—Adoption by Reference, Rules 90.6(1), 91.1
No discussion on ARC 5979C.

INSURANCE DIVISION

Representing the agency: Tracy Swalwell

ARC 5992C (AF), Viatical and Life Settlements—Annual Report, Late Fee, Rule 48.7
No discussion on ARC 5992C.

ARC 6002C (NOIA), Review of Rules, Chs. 29, 35, 36, 71, 73-76, 79-81, 85
No discussion on ARC 6002C.

ARC 6006C (AF), Surplus Lines Insurers—Renewal, Submission of Financial Statements, Late Fee, Rule 21.5
No discussion on ARC 6006C.

ARC 6010C (NOIA), Licensing of Public Adjusters, Rules 55.5, 55.8, 55.9(7)“g,” 55.12(1), 55.14-55.18
No discussion on ARC 6010C.

ARC 6015C (NOIA), Review of Rules, Chs. 15, 16, 25, 28, 30, 33, 70
No discussion on ARC 6015C.

ECONOMIC DEVELOPMENT AUTHORITY

Representing the agency: Lisa Connell

ARC 5963C (FEAN), Empower Rural Iowa Program, Ch. 222
No discussion on ARC 5963C.

ARC 5970C (AF), Apprenticeship Training Program, Rules 12.3, 12.4(1), 12.5-12.7
No discussion on ARC 5970C.

ARC 5971C (FEAN), Butchery Innovation and Revitalization Program; Self-Employment Loan Program, Ch. 51
No discussion on ARC 5971C.

ARC 5972C (FEAN), Manufacturing 4.0 Technology Investment Program, Ch. 119
No discussion on ARC 5972C.

ARC 5983C (NOIA), STEM BEST Appropriation, Ch. 15
No discussion on ARC 5983C.

ARC 5984C (NOIA), Downtown Loan Guarantee Program, Ch. 36
No discussion on ARC 5984C.

ARC 5988C (NOIA), Sports Tourism Program, Rules 215.1, 215.3-215.7
No discussion on ARC 5988C.

ARC 5994C (FEAN), Iowa Energy Center; Alternate Energy Revolving Loan Program; Energy Infrastructure Revolving Loan Program, Chs. 403, 405, 406
No discussion on ARC 5994C.

IOWA FINANCE AUTHORITY

Representing the agency: Kristin Hanks-Bents

ARC 5933C (FEAN), Local Housing Trust Funds—Allocation Plan, Local Match; Website Address, Ch. 19
No discussion on ARC 5933C.

NATURAL RESOURCE COMMISSION

Representing the agency: Ben Bergman, Joe Larschied

ARC 5957C (NOIA), Lifetime Trout Fishing License, Rule 15.12(1)“gg”
No discussion on ARC 5957C.

ARC 6028C (NOIA), Class I Dock Permits—Issuance, Duration, Rules 16.4(3), 16.17(1)
No discussion on ARC 6028C.

REGENTS BOARD

Representing the agency: Aimee Claeys, Kristin Bauer

ARC 5946C (AF), State Universities—Admission, Terminology, Domicile, Application Fees, Chs. 1, 2
No discussion on ARC 5946C.

ARC 5947C (AF), Merit System—Administration of Pay Plan, Probationary Period, Rules 3.14, 3.39, 3.85
Committee members asked which institution employees are eligible for emergency payments. Ms. Claeys responded that the payments are intended for employees that provide support when a state of emergency is declared. She stated that the impetus was hospital employees who worked in support of the response to the pandemic; however, going forward, payments could occur in additional states of emergency such as natural disasters.

Committee members asked if emergency payments will come from the general fund. Ms. Claeys stated that the rulemaking does not contemplate the funding source; however, she anticipated that the funds would come from the general fund.

Committee members asked if a mathematical calculation was used to increase the pay for exceptional performance to a maximum of ten percent, rather than five percent, of an employee’s current annual salary. Ms. Bauer explained that pay for exceptional performance was being used during the pandemic to pay people who were going above and beyond; however, people were maxing out at the five percent rate and increasing the rate to ten percent allowed people to continue to be rewarded for exceptional performance.

No action taken on ARC 5947C.

ARC 5948C (AF), Traffic and Parking at Universities, Ch. 4
No discussion on ARC 5948C.

ARC 5949C (AF), Equal Employment Opportunity, Affirmative Action, and Targeted Small Business, Ch. 7
No discussion on ARC 5949C.

ARC 5950C (AF), Purchasing, Policies, Practices, Procedures, Ch. 8, 9
No discussion on ARC 5950C.

ARC 5951C (AF), Terminology, Addresses, Meetings, Chalking, Rules 11.1, 12.3-12.10, 13.1, 13.10-13.12, 13.14, 13.15, 13.19, 14.1, 14.2, 16.1(1), 16.7
No discussion on ARC 5951C.

ARC 5952C (AF), Addresses; Waivers, Rules 18.4(3), 18.6, 18.7(2), 19.3(1), 19.5, 19.6(2), 19.18
No discussion on ARC 5952C.

REVENUE DEPARTMENT

Representing the agency: Clara Wulfsen

ARC 5932C (AF), Protests—Motions to Redact Certain Information, Rules 6.1(3)“b,” 6.2, 7.8, 7.19(5)“e”(4)
No discussion on ARC 5932C.

ARC 5940C (AF), Appeals, Taxpayer Presentation, and Other Administrative Procedures; GovConnectIowa, Chs. 7, 8, 38, 51, 57

No discussion on ARC 5940C.

ARC 5978C (AF), Tax Credit Rate; School Tuition Organization Tax Credit; Definition of “Eligible Student,” Rules 42.32, 52.38

Committee members asked for confirmation that the rulemaking would require individuals to claim the school tuition organization tax credit in the tax year that it is issued. Ms. Wulfsen confirmed that is correct. Members asked how frequently in the past taxpayers have wanted to carry over the tax credit to a future tax year. Ms. Wulfsen stated that she will look into it and get back to the committee with that information. Members expressed concern that the tax credit may not be usable if a taxpayer does not have tax liability in the tax year that the tax credit is issued.

Members stated that it might be beneficial to go to dynamic rather than static scoring for revenue notes for the tax credit as the money stays local and has a multiplier effect on hiring, infrastructure, and ancillary purchases. Members further stated that as the multiplier effect is amplified across the state the tax credit becomes a revenue generator.

No action taken on ARC 5978C.

ARC 5985C (NOIA), Property Tax Assessment—Multiresidential Property, Dual Property; State Appraisal Manual, Rules 71.1, 71.3-71.6, 71.12(3), 71.23, 71.24, 80.30(8)

No discussion on ARC 5985C.

ARC 5986C (NOIA), Hoover Presidential Library Tax Credit, Rules 42.57, 52.50, 58.25

No discussion on ARC 5986C.

ARC 5987C (NOIA), Tax Credit—Volunteer Fire Fighters, Volunteer Emergency Medical Services Personnel Members, Reserve Peace Officers, Rule 42.49

No discussion on ARC 5987C.

ARC 5990C (NOIA), Tuition and Textbook Credit for Expenses Incurred for Dependents, Rule 42.4

No discussion on ARC 5990C.

ARC 6025C (AF), Assessors and Deputy Assessors—Assessment of Own Property, Rule 71.27

No discussion on ARC 6025C.

ARC 6026C (AF), Appeals of Director’s Rejection of Assessor Appointment or Reappointment, Rule 7.37

No discussion on ARC 6026C.

ARC 6029C (AF), Out-of-State Tax Credit, Rules 42.6, 89.8(11)

No discussion on ARC 6029C.

ARC 6030C (AF), Order of Deduction of Tax Credits, Rules 42.44, 52.12, 58.24

No discussion on ARC 6030C.

ARC 6031C (AF), Nonresident and Part-Year Resident Income Tax Credit, Rule 42.5

No discussion on ARC 6031C.

UTILITIES DIVISION

Representing the agency: Matthew Oetker

ARC 6013C (NOIA), Regulation of Electric Cooperatives, Rule 27.1(2)“o”

Mr. Dennis Puckett, speaking on behalf of the Iowa Association of Electric Cooperatives (IAEC), stated that the IAEC supports the rulemaking. He also expressed the IAEC’s appreciation to the division for working to address the IAEC’s earlier concerns with the rulemaking.

No action taken on ARC 6013C.

ARC 6021C (AF), Electric Utility Service, Ch. 20

No discussion on ARC 6021C.

ARC 6016C (NOIA), Federally Registered Planning Authority Transmission Projects, Rule 11.14
Committee members thanked the division for its work on the rulemaking.
No action taken on ARC 6016C.

EDUCATIONAL EXAMINERS BOARD

Representing the agency: Nicole Proesch

ARC 5934C (NOIA), Deadline of Response to Motions; License Sanctions—Speech and Intellectual Freedom Protections, Rules 11.17(2), 11.35(2)“c”
Committee members asked why the rulemaking changes the timeline for a proceeding from 10 to 15 days. Ms. Proesch stated that she was unclear as to what timeline was being referred to, as the actual investigation that goes along with the proceedings can take up to 180 days. Members and Ms. Proesch agreed to discuss the issue later to clarify what timeline was being referred to.
No action taken on ARC 5934C.

ARC 5935C (NOIA), Licensure Renewal—Individualized Professional Development Plan, Rules 20.5(2)“f,” 20.6(2)“f,” 20.9(2)“e,” 27.5(2)“e”
No discussion on ARC 5935C.

ARC 5937C (NOIA), Substitute Authorization—Day Limitation, Rule 22.2
No discussion on ARC 5937C.

ARC 5938C (NOIA), Fees—Complaints and Hearings Involving Administrator Sanctions, Rules 11.33, 12.10
No discussion on ARC 5938C.

ARC 5960C (NOIA), STEM and Dyslexia Endorsements; School Social Worker Statement of Professional Recognition, Rules 13.28, 16.6(2)
Committee members stated that they have received a lot of feedback and asked that the board work with Decoding Dyslexia Iowa (DDIA) on the rulemaking.

Ms. Nina Lorimor-Easley, speaking on behalf of DDIA, stated that DDIA does not oppose the proposed change that eliminates the requirement that the Iowa Reading Research Center (IRRC) approve an endorsement candidate’s cooperating teacher. She stated that the DDIA is aware that endorsements have already been awarded to professionals coming from out of state without the IRRC’s approval of the cooperating teacher. DDIA believes that it is not the approval of cooperating teachers that is needed, it is approval of the programs from which the out-of-state professionals matriculate, as had been requested by DDIA to be included in the rulemaking. She stated that the work done by the Iowa Dyslexia Task Force to lay the groundwork for Iowa’s dyslexia specialist endorsement was one of the biggest strides that could have been taken to address the needs of struggling readers in the state. She stated that she has personally seen the anger, devastation, and guilt felt by educators who learned that there was a way to help struggling students that the educators had not been taught in either their licensure or endorsement programs. She also stated that the dyslexia specialist endorsement is the first opportunity in 20 years to help educators teach children with dyslexia and other language-based learning disabilities. The changes to the rulemaking requested by DDIA are meant to protect the integrity of the work that had been started. The IRRC vetting the programs from which out-of-state professionals matriculate would uphold the integrity of the endorsement. She stated that the issue is that some of the popular curriculums utilize an explicit cumulative science-based instructional method and have partnered with colleges and universities to train interventionists in only those curriculums. The courses are offered in conjunction with colleges and universities and graduate credits are awarded. DDIA does not want dyslexia specialists in Iowa to be familiar with just one curriculum. DDIA wants specialists to understand the social, emotional, psychological, and assessment needs of students, as well as have a true understanding of the science of high fidelity interventions that are not clouded by any one marketing team. She stated that DDIA’s program requires 18 credit hours and two extensive practicums, more than most private curriculum training requires. She stated that DDIA is asking that any new programs potential candidates indicate have prepared the candidate for Iowa’s endorsement be reviewed by the IIRC to ensure that the individuals that have completed the program meet or exceed the training and knowledge that is required of in-state endorsement candidates.

Members stated that they hope the board will take Ms. Lorimor-Easley's comments into consideration.
No action taken on ARC 5960C.

ARC 5936C (NOIA), Charter School Administrator Authorization, Rule 22.13

Ms. Melissa Peterson, speaking on behalf of the Iowa State Education Association (ISEA), stated that she wanted to reiterate the comments that the ISEA submitted to the board on October 26. She noted that while the ISEA appreciates the perceived parameters and limitations the board may find itself operating under, the board is tasked with creating the rules for issuance of the new authorization. The ISEA does not believe that calling on the board to require additional safety parameters would do anything to stymie the innovation that the sponsor and supporters of the charter school legislation were looking for when they originally asked for the authorization. The ISEA is asking the committee to encourage the board to enhance the requirements for the authorization to include mandatory reporting training, specifically Iowa Code sections 232.69(1) and 235B, if appropriate for a charter school that has an environment in which dependent adults are receiving education. She requested that for the safety of children and staff, a code of ethics be required. She asked that the board take the ISEA's comments into consideration. Committee members expressed support for Ms. Peterson's comments.

Ms. Emily Piper, speaking on behalf of the Iowa Association of School Boards (IASB), stated that the IASB had discussions with Senator Sinclair with respect to creating the administrator authorization and one of the points of discussion was that such an administrator should undergo the same training with respect to the safety of students and staff as any other individual does to be eligible for a license. She stated that more specific requirements should be put in place as to what qualifies an individual to be eligible for the administrator's license. She noted that in no other licensing situation does an individual immediately receive a five-year license; rather, the individual is issued a one-year license and upon successful completion of the one year, is issued a five-year license. She stated that it is critical that the right type of individual is in the administrator position as it involves educating children.

Members agreed with the comments made by Ms. Piper.

Ms. Proesch stated that she will bring the comments to the director's attention.
No action taken on ARC 5936C.

EDUCATION DEPARTMENT

Representing the agency: Thomas Mayes

ARC 5961C (NOIA), Charter Schools, Ch. 19, 68

Ms. Emily Piper, speaking on behalf of the Iowa Association of School Boards (IASB), stated that the IASB had submitted comments and questions to the department that have not been addressed. She stated that one of the questions related to how money would flow for concurrent enrollments. Because the student resides in the school district, does the school district receive the money and turn it over to the charter school, or does the charter school receive it directly which does not require accounting for a pass through? She noted that if a student had never been enrolled in a public school district, then the student is not included in the enrollment count and the rulemaking provides for state funding so that the school district is not responsible for a student that has never been included in its enrollment count. It is unclear, however, how the money flows in the second year as a student that had never been in the enrollment count for the public school district goes straight to the charter school. After the second year the funding flows through the school aid formula and is passed on with the student as the student moves to the charter school. She asserted that there needs to be a process for counting those students so revenue is generated. She stated that the rulemaking allows a charter school a “reasonable opportunity” to correct a deficiency and asked for clarification on what is meant by reasonable opportunity. She explained that for a public school, the timeline to fix a deficiency is related to the actual deficiency. She provided the example of a reporting issue having a shorter timeline for correction than an Americans With Disabilities issue. She noted that some school administrators reached out to the IASB as the administrators want to establish a charter school. The IASB had submitted questions to the department for which answers are needed as the administrators try to move forward. Can multiple school districts join together to create a founding group? Can charter school students and public school students in the same district be in the same classroom? Can a student attending a charter school utilize classes offered by the district if the classes are not also offered by the charter school? Do the rules that apply to online education offerings by public schools also apply to charter schools? What are athletic eligibility rules for a student attending a charter school? Does the school district or a charter school sign for a student’s school driving permit? Are teachers at charter schools eligible for IPERS as they are technically public employees? Is a charter school required to issue a diploma or something equivalent for its students? Ms. Piper requested that the department provide clarification on the questions. Mr. Mayes responded that the questions and comments will be addressed line by line in the department’s preamble.

Committee members expressed appreciation for the way that Mr. Mayes presents information related to each rulemaking. Members asked if there are other requirements, in addition to mandatory reporters, that are different for charter schools than for public schools. Members specifically asked about attendance, noted that the rulemaking is vague, and asked if there is a source that spells out the details and provides tangible direction. Mr. Mayes responded that some of the information, including attendance, is spelled out in the accountability framework and Iowa Code chapter 299. He noted that chapter 299 applies to parents. He also noted that the accountability framework lines up with legal requirements, and that charter schools are subject to the accountability framework. Members expressed concern that waiving tuition and application fees, while allowing fees for things like teachers and uniforms, will be burdensome on vulnerable populations. Mr. Mayes responded that public schools may also charge those types of fees; however, they are required to allow exemptions for low-income individuals, and that may be worthy of more discussion by the General Assembly. Members asked if there is an application process for individuals who want to start a charter school and asked when the committee will be able to review the process. Mr. Mayes responded that it will be presented to the state board at its meeting, and that he would provide it to the committee either after the state board’s meeting or at the adopted and filed stage, whichever the committee prefers.

Ms. Margaret Buckton, speaking on behalf of the Rural School Advocates of Iowa and the Urban Education Network of Iowa, stated that both organizations had submitted comments and she looked forward to the responses that Mr. Mayes stated are forthcoming. Ms. Buckton stated that there is a difference between a list of things that an application should include, and setting criteria for what evidence suggests is needed to meet the expectations. She further stated that Iowa has the chance to establish clear criteria so that charter schools are successful. She noted that across the country, there had been a 25 percent failure rate for charter schools where there had not been clear criteria. One criteria she suggested is that the geographic region that a charter school intends to serve, and which may encompass four or five school districts or the entire state, should align with public input and support for the region. She stated that the statutory intent is for charter schools to serve all students, including those with disabilities, English language learners, and talented and gifted, and that sometimes there is a disconnect that occurs between the application and the marketing. She stated that disenrollment should also be part of the accountability framework.

No action taken on ARC 5961C.